IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 17779 of 1997

Between:

1. M.Jagan s/o. Kanthaiah,

aged about 32 years, occ: Business,

R./o. Korantla village & Mandal,

Karimnagar District.

2. V.Narsa Reddy s/o. Linga Reddy,

aged about 44 years, occ: Agriculturist,

R/o. Madapur village, Korantla Mandal,

Karimnagar District.

..... PETITIONERS

AND

1 **The Superintendent of Police,**
Karimnagar District.
2 **The A.S.P.,**
Jagithyal, Karimnagar District.
3 **The Station House officer,**
Gollapalli Police Station, Gollapalli,
Karimnagar District.
4 **The Station House Officer,**
Korantla Police Station, Korantla,
Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue aw order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in harassing the petitioners and their families as arbitrary, illegal and consequently direct the respondents not to interfere in petitioners' and Petitioners' families' peaceful life and also not to harass them and their familes anymore.

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondents.: GP FOR HOME

The Court made the following :

ORDER:

Heard Sri T.P. Acharya, the learned Counsel representing the writ petitioner and the learned Government Pleader for Home.

Sri T.P. Acharya, the learned Counsel representing the writ petitioner would submit that the respondents herein had been harassing the petitioners and had been interfering with the peaceful life of the petitioners' life and the petitioners' families without any just cause whatsoever and in view of the same, the present Writ Petition was filed praying for appropriate reliefs.

The learned Counsel also pointed out that in W.P.M.P.No.21565/97, a direction was given directing the respondents not to interfere with the liberties of the petitioners without recourse to law and without initiating proceedings warranted by law. The learned Counsel also had taken this Court through the affidavit filed in support of the Writ Petition and also the counter affidavit filed by respondents 3 and 4 and would contend that in the facts and

circumstances of the case, appropriate relief may be moulded so as to protect the interest of the petitioners.

On the contrary, the learned Government Pleader for Home would contend that in the light of the specific stand taken in the counter affidavits, it cannot be said that the respondents in any way had harassed the writ petitioners and hence the Writ Petition is liable to be dismissed.

The petitioners filed the present Writ Petition praying for a writ of mandamus declaring the action of the respondents in harassing the petitioners and their families as arbitrary and illegal and consequently direct the respondents not to interfere with the petitioners and petitioners' families peaceful life and also not to harass them any more and to pass such other suitable orders.

On the strength of the material available on record this Court also granted interim direction as already specified supra.

It is stated that one Company called Amrutha Koratla Finance Private Limited having its office at Y.M.C. Road, Koratla was incorporated on 6-5-1994 with two Directors, namely, Linga Srinivas s/o. Muralidhar and Bachu Gangadhar s/o. Ramulu and they started finance business at Koratla and one branch was opened at Gollapalli of Karimnagar District. The said Company was also accepting deposits from the public and in that process they had approached the

petitioners and asked for some deposit from the petitioners and the petitioners had deposited some amount with that Company. It is stated that the Directors of the said Company were moving with the petitioners freely since they had received some deposit from the petitioners and but for that there is no other relationship between the petitioners and those Directors. It is further stated that some persons of Koratla, Gollapalli and some other surrounding villages had also deposited the amounts with the above said Finance Company. It is further stated that the Company had raised many deposits from people including the petitioners and it appears that thereafter one of the Directors Linga Srinivas had either misappropriated or secreted the funds and left that place and his whereabouts are not known to the public. It is further stated that in view of the same some depositors had lodged a complaint with Police against the Company and requested for taking action. One complaint was given at Gollapalli Police Station, 3rd respondent herein, and one complaint was given at Korantla Police Station, the 4th respondent. It is further stated that respondents 3 and 4 in stead of enquiring into the matter and prosecuting the correct persons are taking the petitioners to Police Station and detaining them for 3 or 4 hours in a day since 21-7-1997 and leaving them after harassing them to the maximum possible extent. It is also stated that the petitioners had been asked about Linga Srinivas, a Director of the said Company. It is also stated that

the petitioners, unable to bear the harassment, requested through their Counsel to register a case against the petitioners and produce them before the Court and prosecute them in stead of harassing them. Several other allegations in detail had been narrated in the affidavit filed in support of the Writ Petition in this regard.

In the counter affidavit filed by the 3rd respondent it was averred that one Company called Amrutha Korantla Finance Private Limited having its office at Y.M.C. Road, Korantla and one branch at Gollapalli started functioning from 6-5-1994 and the Company collected lakhs of rupees from the public and in December 1995, the Company was closed as its Directors ran away with the deposits collected from the public. All the Directors of the Company are residents of Korantla, Gollapalli and surrounding villages. On demands from the public to pay back their deposit amounts, for some time they could manage the public stating that they would return their amounts but they failed to keep up their word and ultimately the villagers of Gollapalli and Korantla approached the Assistant Superintendent of Police, Jagityal for their redressal and the 3rd respondent got instructions from the Assistant Superintendent of Police, Jagityal to register a case and investigate the matter. Accordingly Cr.No.27/97 was registered on 18-8-1997 under Section 420 IPC and another case in Cr.No.79/97 under Section 420 IPC on 4-8-1997 and investigation was taken up. During investigation it was

found that the petitioners are none other than some of the Directors of the Company and in proof thereof the 3rd respondent got Board Meeting notice of the Directors on the letter heads of Amrutha Korantla Finance Private Limited dated 11-12-1994, 24-7-1995 and 28-7-1995 requesting the Directors to attend the Board meeting wherein the names of the petitioners also had been mentioned. As such the 3rd respondent went to the petitioners' village and enquired into the facts and they pleaded ignorance and F.I.R. was registered initially in Cr.No.27/97 wherein the petitioners are shown as A-3 and A-4. The said Cr.No.27/97 was settled out of Police Station by compromise on 26-4-1997 and the complainants in Cr.No.27/97 are going to withdraw the case. In so far as Cr.No.79/97 is concerned, the further investigation is under progress. The other allegations were denied by the 3rd respondent.

Respondent No.4 also filed a counter affidavit to the same effect. It was averred that Cr.No.100/97 was registered on 30-7-1997 under Section 420 IPC and investigation was taken up and during investigation it was found that the petitioners are none other than some of the Directors of the Company and the 4th respondent got Board meeting notice of Directors on the letter heads of Amrutha Korantla Finance Private Limited dated 11-12-1994, 24-7-1995 and 28-7-1995 requesting the Directors to attend the Board meetings wherein the names of the petitioners were clearly mentioned. It was

also stated that in such circumstances, the 4th respondent went to the petitioners' residence to enquire into the facts relating to Cr.No.100/97. Certain other allegations also had been narrated in the counter affidavit of the 4th respondent.

As can be seen from the material available on record now and also in the light of the specific stand taken by the respondents 3 and 4 in the counter affidavits, certain crimes had been registered as against the petitioners also on the ground that they are also Directors of the Company in question. Hence, at any stretch of imagination it cannot be said that the writ petitioners were harassed by the respondents in any way and on the other hand at the relevant point of time, they had discharged their lawful duties as investigating officers while investigating into the crimes which had been registered by the respective respondents in accordance with law. Except making general allegations relating to the harassment, nothing further had been stated in the affidavit filed in support of the Writ Petition. In view of the specific stand taken by the respondents 3 and 4 in the respective counter affidavits, it cannot be said that the Police Officers investigating into the crimes would in any way amount to harassment since they would be discharging their duties as Investigating Officers in accordance with the provisions of the Code of Criminal Procedure, 1973. In view of the same, the Writ Petition is devoid of merit and

accordingly the Writ Petition shall stand dismissed, with costs.

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P.S. Narayana.,J

Date : -1-2005

L.R. copy to be marked : YES / NO

AM

ASSISTANT REGISTRAR

To:

One fair copy to the Hon'ble Sri Justice P.S.Narayana (for his Lordship's kind perusal)

1 **The Superintendent of Police,**
Karimnagar District.
2 **The A.S.P.,**
Jagithyal, Karimnagar District.
3 **The Station House officer,**
Gollapalli Police Station, Gollapalli,
Karimnagar District.
4 **The Station House Officer,**
Korantla Police Station, Korantla,
Karimnagar District.

5. 2 C.Cs. to Government Pleader for Home,

High Court of A.P.,

High Court Buildings,

Hyderabad.

6. 2 C.D. copies

7. The Under Secretary, Union of India, Ministry of Law, Justice & Company Affairs, New Delhi.

8. The Secretary, A.P. Advocates Association Library, High Court Buildings, Hyderabad.

9. 8 L.R. copies.